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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

7 LOCALS 302 AND 612 OF THE  
8 INTERNATIONAL UNION OF  
9 OPERATING ENGINEERS  
10 CONSTRUCTION INDUSTRY HEALTH  
11 AND SECURITY FUND; LOCALS 302  
12 AND 612 OF THE INTERNATIONAL  
13 UNION OF OPERATING ENGINEERS-  
14 EMPLOYERS CONSTRUCTION  
15 INDUSTRY RETIREMENT FUND;  
16 WESTERN WASHINGTON OPERATING  
17 ENGINEERS-EMPLOYERS TRAINING  
18 TRUST FUND; and LOCAL 302  
19 INTERNATIONAL UNION OF  
20 OPERATING ENGINEERS,

21 Plaintiffs,

22 v.

23 BIANCHI, LLC, a Washington limited  
24 liability company,

25 Defendant.

NO. 2:19-mc-00111-BAT

ORDER ON SUPPLEMENTAL  
PROCEEDINGS DIRECTING  
APPEARANCE, ANSWERS, AND  
PRODUCTION OF DOCUMENTS OF  
JUDGMENT DEBTOR

26 Pursuant to Plaintiffs' Motion for an Order requiring the Judgment Debtor's  
attendance at an examination of debtor and debtor's Answers and Production of  
Documents, and proof having been made that an unsatisfied judgment against the  
Judgment Debtor exists, it is hereby

ORDER ON SUPPLEMENTAL PROCEEDINGS  
Page 1 of 3

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Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW

1001 WEST HARRISON STREET • NORTH TOWER, SUITE 300  
SEATTLE, WASHINGTON 98119  
TELEPHONE (206) 285-2464 • FAX (206) 285-8925

1           **ORDERED** that Brian Bianchi of Bianchi LLC, appear at the United States  
2 Courthouse, 700 Stewart Street, Room 121A, Seattle, Washington, on the 1st day  
3 of October 2019 at 10:00 am., then and there to answer under oath questions  
4 concerning any property the debtor has in its possession, or under its control which  
5 should be applied towards satisfaction of the judgment rendered in this action.

6           **IT IS FURTHER ORDERED** that Brian Bianchi of Bianchi LLC, answer the  
7 attached Interrogatories which are attached to this Order as **Exhibit 1 "A"** and  
8 incorporated herein by this reference, and bring the written responses thereto to the  
9 supplemental proceedings examination on the date given.

10           **IT IS FURTHER ORDERED** that Brian Bianchi of Bianchi LLC, having been  
11 served with a copy of this Order, shall bring the documents requested in **Exhibit 1**  
12 **"B"** to this Order, which is incorporated herein by this reference, to the supplemental  
13 proceeding examination on the date given.

14           **IT IS FURTHER ORDERED** that Plaintiff is entitled to attorney's fees if Brian  
15 Bianchi of Bianchi LLC, does not appear, in the total amount of \$150.00, for bringing  
16 this Motion.

17           **IT IS FURTHER ORDERED** if Brian Bianchi of Bianchi LLC, does not appear,  
18 a warrant may be issued for his arrest and he shall be further obligated to the  
19 Plaintiffs for their attorney's fees.  
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1 TO: Brian Bianchi of Bianci LLC

2 **INSTRUCTIONS AND DEFINITIONS**

3 You are directed to answer fully and separately, under oath, on or before the date on  
4 which you have been ordered to appear before the Court, as designated by the attached  
5 Order, the following interrogatories and requests for production of documents pursuant to the  
6 Rule 69 of the Federal Rules of Civil Procedure (which incorporates by reference, Revised  
7 Code of Washington, § 6.32.015, and the Washington Superior Court Civil Rules 69, 30, 33  
8 and 34). The documents responsive to the request for production of documents shall be  
9 produced before the Court at the hearing noted in this Order, and inspection and copying  
10 permitted at the offices of REID, McCARTHY, BALLEW & LEAHY, L.L.P., 100 West Harrison  
11 Street, North Tower, Suite 300, Seattle, WA 98119, or at such other time and place as may  
12 be agreed upon by the parties. Defendant may comply with this request for production of  
13 documents by transmitting the originals or copies of all responsive documents to Plaintiffs at  
14 the above-stated address, so long as said documents are delivered on or before the hearing  
15 date set by the Court.  
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18 1. In answering these interrogatories and request for production of documents, you  
19 are required to furnish information that is available to you, including information in the  
20 possession of your investigators, employees, agents, representatives, guardians, attorneys,  
21 investigators for your attorneys, and any other person or persons acting on your behalf.  
22

23 2. If you cannot answer the following interrogatories or request for production of  
24 documents in full, after exercising due diligence to secure the information, so state and  
25  
26

1 answer to the extent possible, specifying which part of the interrogatory and request for  
2 production of documents you are unable to answer and the reason why you cannot do so.

3 3. Each subpart of each interrogatory or request for production of documents must  
4 be answered as completely as if it were a separate interrogatory and request for production.

5 4. Each interrogatory and request for production of documents not only calls for  
6 your knowledge, but also for all knowledge that is available to you by reasonable inquiry,  
7 including inquiry of your attorneys and representatives.

8 5. If you object to any interrogatory or request for production of documents, state  
9 with specificity the reasons for each objection.

10 6. In answering these interrogatories and requests for production of documents,  
11 the following definitions apply:

12 a. "You," "your," "Defendant," or "Judgment Debtor" includes Brian Bianchi  
13 and Bianchi LLC, and any and all assigns, agents, guardians and representatives, including  
14 without limitation, attorneys and accountants acting on behalf of Brian Bianchi and Bianchi  
15 LLC  
16

17 b. "Name" means, when you are requested to name an individual or entity,  
18 to give the full name or assumed name, business and home address, business and home  
19 telephone numbers, a job title or position and relationship to you.

20 c. "Person" includes individuals, corporations, partnerships, groups,  
21 associations, businesses, labor organizations and governmental agencies.

22 d. "Custodian" refers to any "person" having possession, custody or control  
23 of the document or subject referred to.  
24  
25

1 e. "Document" should be interpreted in the broadest possible manner and  
2 including any written, graphic, printed, typed, photocopied, photographic, electronic, magnetic,  
3 recorded, or tangible matter of any kind or character, or any recorded material, however  
4 produced or reproduced, whether prepared by you or otherwise, including, but not limited to  
5 all papers, books, records, transcripts, drafts, contracts, diaries, calendars, desk pads,  
6 minutes, lists of attendees, brochures, pamphlets, advertisements, circulars, press releases,  
7 correspondence, communications, telegrams, teletypes, memoranda, notes, studies, work  
8 papers, summaries, analyses, reports, notebooks, manuals, guidelines, rules, instructions,  
9 operating procedures, drawings, blueprints, graphs, charts, maps, films, videotapes,  
10 photographs, electronic data storage materials, tapes, disks or diskettes, digitally recorded  
11 information, lists, minutes, and entries in books of account, bills, invoices, and also including  
12 every copy of a document that is nonidentical to the original (whether because of notes made  
13 on or attached to such copy or otherwise).  
14

15 f. "Identify" or "state the identity of" means:  
16

17 (1) when applied to an individual person, to state the full name,  
18 present or last known home and business addresses, present and former positions and  
19 occupations, relationship to any party, employer, job description, and home and business  
20 telephone numbers of the person;  
21

22 (2) when applied to a document, to state the exact title, serial or  
23 identifying number(s), if any, date, author(s), signer(s), intended recipient(s), addressee(s)  
24 and present custodian(s) of the document, or alternatively, to produce for inspection and  
25 copying the document itself provided that you reference the interrogatory and request for  
26

1 production of documents to which the document is responsive. The description must be  
2 sufficient to support a request for production of documents.

3 (3) when applied to oral communication, to identify (as defined in  
4 subparagraph (1), above) the speaker(s) and the person(s) addressed, to state the date,  
5 place and medium of the communications, and to describe completely and in full detail the  
6 content of the communication.

7 g. "Including" means including without limitation,

8 h. "State in detail" means to set out every aspect of every fact,  
9 circumstance, act, omission or course of conduct known to you relating in any way to the  
10 matter inquired about, including without limitation, the date and place thereof, the identify of  
11 each person present thereat, connected therewith or who has knowledge thereof, the identify  
12 of all documents relating thereto, if anything was said by any person, the identity of each such  
13 person and each such oral statement, and if the oral statement in whole or in part constituted,  
14 or was contained, or reported, summarized or referred to in any documents, the identity of  
15 each such document.

16 i. "Complaint" means the complaint filed by Plaintiffs in this action.

17 j. Any other words used herein shall be defined according to standard  
18 American use, as shown in a standard dictionary of the English language.

19 7. If you claim any privilege (either alone or in conjunction with other  
20 objections) with respect to any information called for by an interrogatory and request for  
21 production of documents or any part thereof, please identify the type of privilege which  
22 is claimed, state the basis for the claim of privilege, identify the information as to which  
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1 the privilege is claimed and state the subject matter thereof. If you claim a privilege with  
2 regard to any information called for by an interrogatory and request for production of  
3 documents or any part thereof, you should nevertheless respond to the interrogatory  
4 and request for production to the extent that it calls for information for which you do not  
5 claim a privilege.

6 8. Where an interrogatory and request for production of documents asks for a  
7 date, an amount or any other specific information, a statement that the precise date,  
8 amount or other specific information is unknown to you is adequate where you are  
9 capable of approximating the information requested.  
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## INTERROGATORIES

Interrogatory No. 1: State fully and completely the names and addresses of all officers and directors of the corporation, stating specifically the office held by each individual.

Answer:

Interrogatory No. 2: Identify all of the corporation's checking accounts, including the name of the financial institution, name of the account, and the account number of each account.

Answer:

Interrogatory No. 3: Identify all of the corporation's savings accounts, including the name of the financial institution, name of the account, and the account number of each account.

Answer:

Interrogatory No. 4: For each of the accounts identified in Interrogatories 2 and 3, above, state the amount of the average deposit over the past six months. For each account, state whether the corporation makes regular deposits.

Answer:

Interrogatory No. 5: State the balance at the present time of each account listed in response to question #2 and #3.

Answer:

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2 Interrogatory No. 6(a): List all debts owed to the corporation for any reason whatsoever.

3 Answer:  
4

5 Interrogatory No. 6(b): For each debt, state whether the debt is evidenced by a note.

6 Answer:  
7

8 Interrogatory No. 6(c): For each debt, state whether the debt is secured by anything  
9 such as a mortgage or other security agreement.

10 Answer:  
11

12 Interrogatory No. 6(d): For each debt, state when the debt is due or whether it is past  
13 due.

14 Answer:  
15

16 Interrogatory No. 6(e): For each debt, state when the debt was incurred.

17 Answer:  
18

19 Interrogatory No. 7(a): Does the corporation have any claims against any person or  
20 entity for money, or for property?  
21

22 Answer:  
23  
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1 Interrogatory No. 7(b): For each claim, state in detail the name and address of the  
2 person or entity against whom the corporation has such claim.

3 Answer:  
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6 Interrogatory No. 8: Does the corporation own the building in which its offices are  
7 located? If so, please state the value of the corporation's equity in the property.

8 Answer:  
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11 Interrogatory No. 9: Is the property referred to in question #10 currently for sale? If the  
12 answer is yes, please state the name, address and phone number of the listing agent.

13 Answer:  
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16 Interrogatory No. 10(a): Does the corporation own or have an interest in, or is it buying  
17 any properties whatsoever?

18 Answer:  
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21 Interrogatory No. 10(b): If so, state in detail the location and address of each property.  
22

23 Answer:  
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26 Interrogatory No. 10(c): For each property, state whether the property is improved or

unimproved.

Answer:

Interrogatory No. 11(a): Is the corporation currently selling any property to another? If so state the name and address of each person or entity to whom any such property is being sold.

Answer:

Interrogatory No. 11(b): For each property being sold, state in detail the location of the property and whether it is improved or unimproved.

Answer:

Interrogatory No. 11(c): For each property being sold, if the sale of the property is on a contract, state in detail the balance due on the contract, the terms of payment, i.e. monthly, quarterly, etc., and the amount of each payment.

Answer:

Interrogatory No. 12: Does the corporation own office equipment, furnishings and/or computer equipment. If so, please list each item and its approximate value.

Answer:

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6 Interrogatory No. 13: Does the corporation hold any negotiable or non-negotiable  
7 instruments or securities? If so, describe in detail each negotiable or non-negotiable  
8 instrument or security.

9 Answer:  
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12 Interrogatory No. 14(a): Does the corporation own any stock in another company or  
13 interest in a joint stock company or mutual fund?

14 Answer:  
15  
16

17 Interrogatory No. 14(b): If so, state the name of each company, joint stock company or  
18 mutual fund, the amount of shares held, and whether the shares are in the name of the  
19 corporation or in some other person or entity.

20 Answer:  
21  
22

23  
24 Interrogatory No. 15(a): Does the corporation own any automobiles or trucks?

1 Answer:

2  
3 Interrogatory No. 15(b): If so, how many?

4 Answer:

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9 Interrogatory No. 15(c): Please provide make, model, year, license number, and  
10 approximate value of each.

11 Answer:

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14 Interrogatory No. 16: Does the corporation own any construction equipment or tools. If  
15 so, please state each item and its approximate value.

16 Answer:

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19 Interrogatory No. 17(a): Does the corporation own a boat or other personal property of a  
20 type not referred to in previous questions.

21 Answer:

1 Interrogatory No. 17(b): If so, provide a description of the personal property, its  
2 approximate value, the amount of security, if any, held by other parties, and by whom  
the underlying debt, if any, is owed.

3 Answer:  
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8 Interrogatory No. 18: Does corporation have any unliquidated claims of any nature  
9 against anyone? What are they; against whom; and what is their estimated value?

10 Answer:  
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13 Interrogatory No. 19(a): Has the corporation made any transfers of any real or personal  
14 properties, including, but not limited to, cars, money, vacant land, stocks, and equipment  
- within the last 12 months?

15 Answer:  
16

17 Interrogatory No. 19(b): If so:  
18

19 Answer:

20 (i). Identify the property transferred:  
21

22 (ii). When was the transfer made:  
23  
24

1  
2 (iii). To whom:  
3

4  
5 (iv). What consideration was received by the corporation therefore:  
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7  
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9 Interrogatory No. 20: Did the corporation file an income tax return last year? If so,  
10 where?

11 Answer:  
12

13 Interrogatory No. 21: Does the corporation own any patents, copyrights, or trademarks?  
14

15 Answer:  
16

17  
18 \_\_\_\_\_  
Brian Bianchi



1 STATE OF WASHINGTON )  
2 ) ss.  
3 COUNTY OF )

4 Brian Bianchi, being first duly sworn on oath, deposes and says:

5 He is the defendant in this matter; he has read the foregoing answers, knows the  
6 contents thereof, and believes the same to be true.

7 Brian Bianchi

8 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
9 2019.

10  
11 NOTARY PUBLIC in and for the State of  
12 Washington, residing at  
13 My commission expires  
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## REQUEST FOR PRODUCTION OF DOCUMENTS

Please produce the following:

1. All financial statements prepared or given within the past two years if Bianchi LLC, has remained in operation during that time.
2. If Bianchi LLC, has ceased operations, the last financial statement prepared by or for Bianchi LLC, and all financial statements prepared or given within two years prior to the date the last financial statement was prepared or given.
3. If applicable, the certificate of dissolution for Bianchi LLC
4. All documents, including contracts or purchase agreements, evidencing the sale or transfer of Bianchi LLC's assets.
5. All documents evidencing loans to Bianchi LLC, and repayment of loans by Bianchi LLC, to any and all creditors.
6. Specific records of all accounts receivable, notes receivable, or indebtedness due.
7. Records of all personal property owned by Bianchi LLC, including but not limited to stocks, notes, judgments, U.S. Bonds, equipment, machinery, tools and motor vehicles.
8. Any documents and records which show the existence of any security interest or conditional sales contracts on the items of personal property listed in Request for Production No. 7, above.
9. All records of any and all of Bianchi LLC's savings or checking accounts, postal savings accounts, or safety deposit boxes maintained.
10. Any records of real property owned, in whole or in part, by Bianchi LLC, including any vendee's interest in real property owned.
11. Records of any mortgages or liens existing against the real property listed in Request for Production No. 10, above.
12. All income tax returns, including any final tax return, filed within the last five years, or, if the filing of the most recent return is pending but the return has been prepared or the information upon which it will be prepared is available, copies of such returns or information.

### Exhibit 1 "B"

REQUEST FOR PRODUCTION OF  
DOCUMENTS - 1

Reid, McCarthy, Ballew & Leahy, L.L.P.  
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